

DECISION MEMO
ELF Corridor Habitat Management

USDA Forest Service
Chequamegon-Nicolet National Forest
Great Divide Ranger District
Ashland and Sawyer Counties, Wisconsin

I. DECISION TO BE IMPLEMENTED

A. Description of Decision

My decision is to implement the 5-year ELF corridor Habitat Management Plan (FY 2004-2008), which was developed and approved by the Forest Service and Department of Navy in spring of 2004. The ELF (Extremely Low Frequency) facility consists of a roughly X-shaped transmission line and corridor that is part of a Navy communication network used to transmit messages to submarines at depth in the oceans worldwide. The corridor is about 100 feet wide, and appears similar to a utility corridor. The corridor is centered about six miles south of Clam Lake, but extends through seven townships (T40N, R5W; T41N, R3 and 5W; T42N, R3, 4, and 5W; T43N, R4W).

The management plan was developed to guide habitat management activities along and immediately adjacent to the corridor (Attachments A and B). Activities described in the plan include the following work and approximate quantities: mowing of ELF corridor sections (190 acres); mowing of adjacent upland openings (84 acres); mowing of hunter walking trails (7 miles); hand cutting in adjacent upland openings (25 acres); prescribed burning to encourage berry production (12 acres); and mowing to maintain a wildlife viewing area (8 acres). There will be no additional areas cleared, or land disturbed, as part of this particular project. Most areas involved have been managed by similar techniques in past years. The work will be accomplished during the summer seasons over five consecutive years.

Although portions of the ELF corridor pass through wetlands, none of the management activities will take place in wetlands. The project area has been reviewed for cultural resources. There are no recorded structural or archaeological features on the surface. Since mowing and other activities would not disturb any subsurface features, this is considered a “no effect” project in terms of cultural resources. It is possible that gray wolves may traverse the project area, but no adverse impacts are expected from project activities on wolves or other threatened, endangered, or sensitive species. No impacts are predicted on any other extraordinary circumstances in the affected areas.

B. Purpose of Decision

There are several purposes for the activities covered by this decision:

- There is a need to maintain Forest Service and Navy administrative access to and along the ELF corridor for maintenance and monitoring of facilities. Mowing of corridor sections and maintaining gates allows for continued access, while controlling public motor vehicle access to the sites.
- There is a need to maintain acreage of upland openings to meet Forest Plan goals for this habitat type. The ELF line passes through a variety of Forest Plan designated Management Areas; the majority of these have composition objectives for upland openings, ranging from 0-1% (MA 2A and 2B) to 1-6% (MA 4A). Upland opening maintenance would not occur along sections of the line within Management Areas that do not allow such activities.
- There is a need to maintain and enhance a variety of recreational opportunities. Mowing of hunter walking trails will allow continued use by the hunting public. Using prescribed fire to maintain selected shrub openings will enhance berry production in those areas. Mowing a wildlife viewing area will maintain it in an open condition, to provide habitat for elk and other wildlife, and to facilitate public viewing.

II. REASONS FOR CATEGORICALLY EXCLUDING THE DECISION

Decisions may be categorically excluded from documentation in an environmental impact statement or environmental assessment when they are within one of the categories identified by the U.S. Department of Agriculture in 7 CFR part 1b.3 or one of the categories identified by the Chief of the Forest Service in Forest Service Handbook (FSH) 1909.15 sections 31.1b or 31.2; and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment.

I have concluded that this decision is appropriately categorically excluded from documentation in an environmental impact statement or environmental assessment as it is a routine activity within a category of exclusion and there are no extraordinary circumstances related to the decision that may result in a significant individual or cumulative effect on the quality of the human environment. My conclusion is based on information presented in this document and the entirety of the Record.

A. Category of Exclusion

I have determined this action falls under the following category of action that is normally excluded from documentation in an Environmental Impact Statement or Environmental Assessment pursuant to FSH 1909.15:

31.2 #6: Timber stand and/or wildlife habitat improvement activities which do not include the use of herbicides or do not require more than one mile of low standard road construction. Examples include but are not limited to: (d) Prescribed burning to reduce natural fuel build-up and improve plant vigor.

B. Relationship to Extraordinary Circumstances

I have considered conclusions by resource specialist reviews of conditions at the affected sites (Attachment C). I find there are no extraordinary circumstances that may result in significant and adverse, individual or cumulative environmental effects on the following:

1. Threatened and Endangered Species or Their Critical Habitat - The Endangered Species Act requires that federal activities do not jeopardize the continued existence of any species federally listed or proposed as threatened or endangered, or result in adverse modification to such species' designated critical habitat. All sites have been evaluated for Federally listed or proposed species, or their critical habitat. The gray wolf may be found in or near the project area, but the project will not result in adverse impacts to habitat or individuals (Project Record, Biological Evaluation).

2. Floodplains, Wetlands, or Municipal Watersheds -

Floodplains: Executive Order 11988 is to avoid adverse impacts associated with the occupancy and modification of floodplains. Floodplains are defined by this order as, "... the lowland and relatively flat areas adjoining inland and coastal waters including flood prone areas of offshore islands, including at a minimum, that area subject to a one percent [100-year recurrence] or greater chance of flooding in any one year."

The project is not located in or near floodplains. This has been validated by map and site-review.

Wetlands: Executive Order 11990 is to avoid adverse impacts associated with destruction or modification of wetlands. Wetlands are defined by this order as, "... areas inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds."

Wetlands are present in the project area; the ELF line itself crosses a number of wetland areas. All of the project activities however will take place in upland sites. No effect to wetlands is expected, either directly or indirectly.

Municipal Watersheds: Municipal watersheds are managed under multiple use prescriptions in land and resource management plans. There are no municipal watersheds on the Forest. This decision will not affect municipal watersheds.

3. *Congressionally Designated Areas* - There are no wilderness, wilderness study areas, national recreation areas, or other congressionally designated areas in or near the project area (Forest Plan, p. 3-26; Plan FEIS, p. 3-199, 201, 251; Selected Alternative map). This decision will not affect such areas.

4. *Inventoried Roadless Areas* - There are no Inventoried Roadless Areas (RARE II or Forest Plan) in the decision area (Forest Plan Appendices, p. C-10-12). This decision will not affect Inventoried Roadless Areas.

5. *Research Natural Areas* - There are no Research Natural Areas in the decision area (Forest Plan FEIS, p. 3-111, 119, 120; Selected Alternative map). This decision, with impacts limited to the immediate area of activity, will not affect Research Natural Areas.

6. *American Indian and Alaska native religious or cultural sites* -The Federal government has trust responsibilities to Tribes under a government-to-government relationship to insure that the Tribes reserved rights are protected. Consultation with tribes helps insure that these trust responsibilities are met. The Forest consulted with potentially affected tribes (Project Record, Tribal Consultation). The intent of this consultation has been to remain informed about Tribal concerns. No tribal concerns were identified for this project.

7. *Archaeological sites, or historic properties or areas* – Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district, site, building, structure, or object that is included in, or eligible for inclusion in the National Register. Section 106 of the National Historic Preservation Act also requires federal agencies to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The Archaeological Resources Protection Act covers the discovery and protection of historic properties (prehistoric and historic) that are excavated or discovered in federal lands. It affords lawful protection of archaeological resources and sites that are on public and Indian lands. The Native American Graves Protection and Repatriation Act covers the discovery and protection of Native American human remains and objects that are excavated or discovered in federal lands. It encourages avoidance of archaeological sites that contain burials or portions of sites that contain graves through “in situ” preservation, but may encompass other actions to preserve these remains and items. This decision complies with the cited Acts.

Surveys were conducted for Native American religious or cultural sites, archaeological sites, and historic properties or areas that may be affected by this decision. Since no sites or potential for sites were identified, consultation with the State Historic Preservation Office is not required at this time.

8. No other extraordinary circumstances related to the project were identified (Project Record, Scoping).

III. PUBLIC INVOLVEMENT

Scoping was conducted within the Forest Service, with the Wisconsin Department of Natural Resources (WDNR), and with a mailing list of individuals who have expressed an interest in any projects dealing with upland opening maintenance.

The following individuals contributed to the analysis:

Barry Paulson, former District Ranger, Great Divide Ranger District

Kathy Moe, District Wildlife Technician and Heritage Resources Para-professional,
Great Divide Ranger District
Steven Spickerman, Zone Ecologist, Great Divide Ranger District
Tom Matthiae, Wildlife Biologist, Great Divide Ranger District
Debra Sigmund, NEPA Coordinator and Watershed Specialist, Great Divide Ranger District
Dave Nelson, Recreation Program Manager, Great Divide Ranger District

Public involvement included a letter to WDNR representatives and interested members of the public (a total of 97 addressees) on May 13, 2004; and listing in the Forest's *Schedule of Proposed Actions* (NEPA Quarterly) in the April-June of 2004 issue. Five people responded with comments of support or concern.

The following tribal governments were contacted for their input on April 27, 2004: Lac Courte Oreilles, Bad River, Lac du Flambeau, Red Cliff, St. Croix, Mille Lacs, and Lac Vieux Desert Bands of Lake Superior Chippewa; Keweenaw Bay Indian Community, Bay Mills Indian Community, and Sokaogon Chippewa Community Mole Lake Band. The Great Lakes Indian Fish and Wildlife Commission (GLIFWC) was also consulted. One letter was received, stating they had no interest in the project. No other comments or concerns arose.

IV. FINDINGS REQUIRED BY AND/OR RELATED TO OTHER LAWS AND REGULATIONS

My decision will comply with all applicable laws and regulations. I have summarized some pertinent ones below.

Forest Plan Consistency (National Forest Management Act) - This Act requires the development of long-range land and resource management plans (Plans). The revised Chequamegon-Nicolet National Forest Plan was approved in 2004, as required by this Act. The plan provides guidance for all natural resource management activities. The Act requires all projects and activities be consistent with the Plan. The Plan has been reviewed in consideration of this project. This decision is responsive to guiding direction contained in the Plan, as summarized in Section I of this document. This decision is consistent with the standards and guidelines contained in the Plan.

Endangered Species Act - See Section II, Item B1 of this document

Sensitive Species (Forest Service Manual 2670) - This Manual direction requires analysis of potential impacts to sensitive species, those species for which the Regional Forester has identified population viability as a concern. Potential effects of this decision on sensitive species have been analyzed and documented in a Biological Evaluation (Project Record). This decision will have "no impact" on sensitive species.

Clean Water Act - This Act is to restore and maintain the integrity of waters.

Wetlands (Executive Order 11990) - See Section II, Item B2 of this document.

Floodplains (Executive Order 11988) - See Section II, Item B2 of this document.

National Historic Preservation Act - See Section II, Item B7 of this document.

Archaeological Resources Protection Act - See Section II, Item B7 of this document.

Native American Graves Protection and Repatriation Act - See Section II, Item B6 of this document.

Wild and Scenic Rivers Act - See Section II, Item B3 of this document.

Environmental Justice (Executive Order 12898) - This Order requires consideration of whether projects would disproportionately impact minority or low-income populations. This decision complies with this Act. Public involvement occurred for this project, the results of which I have considered in this decision-making. Public

involvement did not identify any adversely impacted local minority or low-income populations. This decision is not expected to adversely impact minority or low-income populations.

National Environmental Policy Act - This Act requires public involvement and consideration of potential environmental effects. The entirety of documentation for this decision supports compliance with this Act.

V. ADMINISTRATIVE REVIEW OR APPEAL OPPORTUNITIES

This decision is not subject to a administrative review or appeal pursuant to 36 CFR 215.8.

VI. IMPLEMENTATION DATE

This decision may be implemented immediately. Actual project work is likely to begin on or after July 1, 2004.

VII. CONTACT PERSON

Further information about this decision can be obtained from Tom Matthiae, Great Divide District Wildlife Biologist during normal office hours (weekdays, 8:00 a.m. to 4:30 p.m.) at the Hayward office (Address: P.O. Box 896, 10650 Nyman Ave., Hayward, WI 54843; Phone: 715-634-4821; Fax: 715-634-3769; e-mail: tmatthiae@fs.fed.us).

Additional information about this decision can be found on the Internet at www.fs.fed.us/r9/cnnf/natres/index.html.

VIII. SIGNATURE AND DATE

/s/Geoff Chandler

June 9, 2004

GEOFF CHANDLER
Acting District Ranger
Responsible Official

Date

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